



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,596	07/27/2001	Mark A. Adams	16356.634 (DC-02914)	8710
27683 7590 10/16/2007 HAYNES AND BOONE, LLP 1615 L Street, N.W. Suite 800 Washington, DC 20036-5610			EXAMINER STRANGE, AARON N	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/916,596

Applicant(s)

ADAMS ET AL.

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The Examiner would like to note that the present application has been reassigned to a new Examiner.
2. In the interest of expedited prosecution, the Examiner would like to express willingness to conduct an interview to discuss the present application with Applicant prior to filing a response to the present Office action. The Examiner feels that an interview could help clarify the respective positions of Applicant and the Examiner, and assist in the identification of allowable subject matter and/or issues for appeal. If applicant agrees that an interview would be beneficial, he/she is encouraged to contact the Examiner to schedule one.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2153

5. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen et al. (US 6,957,186) in view of Zara et al. (US 7,117,169).

6. With regard to claims 1, 8, 9, 10, 15-18, 23, 29, and 30, Guheen discloses a solutions based computer system manufacturing process comprising:

- responsive to a customer order or plan, assembling distinct computer and storage system components for creation of a given solution-based product as a function of the customer order or plan (based on a needs assessment , customer orders an e-commerce solution including the necessary hardware and software component)(col. 14, ll 62-67; col. 177, ll 1-66; col. 189, ll. 12-64);
- providing an entry form for entering solution objects and service tags of components to identify a respective solutions-based system (each component of the system is registered in a user profile)(col. 239, ll. 61-66);
- assigning a solution identifier (user profile) to the solution based product (each component of the system is registered in a user profile), wherein there is only one solution identifier assigned to the solution based product (the solution is specific to a particular user profile) (col. 239, ll. 61-66)
- using the solution identifier to assist on-line support of the solution based product (the customer receives web-based support for the solution purchased and associated with a particular login profile, including a technical support

library and downloads of software fixes, etc)(col. 234, l. 43 to col. 235, l. 31;  
col. 239, l. 60 to col. 240, l. 16).

While Guheen discloses the invention substantially as claimed, it fails to specifically disclose that the solution identifier is stored in a table and contains a solution type and a unique identifier within the solution type.

Zara discloses a similar system for ordering and managing components of a solutions based computer system. Zara teaches using a solutions identifier (asset-detail 500) that contains a solution type (asset-ID) and a unique identifier within the solution type (MAC-detail 510) (fig. 5; col. 6, ll. 50-61; col. 7, l. 63 to col. 8, l. 2). Use of a solutions identifier such as the one taught by Zara would have merely been a predictable variation of the user profile used by Guheen, and would have allowed a particular piece of hardware to be quickly associated with a solution for obtaining online support as well as being uniquely identified, independent of its solution (Zara; col. 6, ll. 16-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a solutions identifier containing a solution type and a unique identifier in order to allow a particular piece of hardware to be quickly associated with a solution for obtaining online support as well as being uniquely identified, independent of its solution.

Art Unit: 2153

7. With regard to claims 2 and 26, Guheen disclosed the solution-based product includes solution-based storage products (e.g. Business2 Directory server, Col 20, lines 40-45).

8. With regard to claims 3, 4, and 25, Guheen disclosed the solutions-based system includes at least an e-commerce configuration product ("electronic commerce" Col 19, lines 16-19).

9. With regard to claims 5, 11, and 13, Guheen disclosed the solution-based products includes at least one of component forming an integral part of a larger solution with complex interdependencies (e.g. the various components of the Business2 product that work together to facilitate e-commerce transactions, see inter alia Columns 19 and 20).

10. With regard to claims 6 and 27, Guheen disclosed associating service tags (any component identifier) of the components of a respective solution (i.e. solution registration of each component Col 239, lines 61-66) and in the combined Guheen and O'Connor system that solution is associated with a solution identifier (serial number, O'Connor Col 3, lines 11-34).

11. With regard to claims 7 and 28, Guheen and O'Connor failed to disclose storing the associated service tags in a table and indexing the table according to the solution

identifier. Nonetheless Examiner takes Official Notice that it was widely known in the art at the time of Applicant's invention to utilize a table for indexing components of a larger entity for the efficient storage and retrieval of the data. Thus, it would have been obvious to one ordinary skill in the art the time of the invention to store the associated service tags in a table and index the table according to the solution identifier, in order to provide for the efficient retrieval of the product solution and the components that comprise that product solution. The retrieval is more efficient since the format of the data is well structured and therefore readily accessible.

12. With regard to claim 12, Guheen disclosed providing an entry form for entering at least one of solution objects and service tags of additional components of a respective solutions-based system post issuance of the PowerTag identifier and responsive to a completion of the entering of the at least one of solution objects and service tags of the additional components, updating associated of the solution objects and service tags of the additional components with the PowerTag identifier, wherein the updated PowerTag identifier associations facilitate obtaining of custom service for additional components as a function of the PowerTag identifier (i.e. registration of the components the customer currently possesses; Col 239, lines 60-66).

13. With regard to claim 14, Guheen disclosed the claimed hardware and support features (see for example the hardware components of Business1 and Business2 product solutions Columns 15-22 and the necessary software updates required for each

Art Unit: 2153

Col 235, lines 6-18; also see the levels of support provided and consulting services provided Col 239, line 60 – Col 240, line 18).

14. With regard to claim 19, Guheen disclosed web pages are a function of the type of support service being requested including at least one on-line support (see inter alia Col 234, line 43 – Col 235, line 31 and Col 239, lines 60 – Col 240, line 16).

15. With regard to claims 20-21, Guheen failed to specifically recite providing updates that include updates to a cluster configuration or the firmware of particular components. Nonetheless Guheen disclosed providing updates to all components of the solution sold (see inter alia, Col 235, lines 6-31). Furthermore Examiner takes Official Notice that clusters were widely utilized in computer solutions sold at the time of Applicant's invention. Examiner also takes Official Notice that hardware devices typically utilized firmware in order to boot and operate properly at the time of Applicant's invention. Thus, the solutions sold by Guheen would necessarily include both cluster configurations and/or hardware devices with firmware. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to provide updates to both cluster configurations and the firmware of various hardware devices when they are present in the solutions sold by Guheen since Guheen disclosed providing updates for the solution sold and the respective components within the that particular solution.



16. With regard to claim 22, Guheen disclosed determining a scope of work and any products required for use in an upgrading of the solutions-based product as a function of the identifier (Col 239, lines 39-48).

***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2153

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS  
10/11/07



GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100